

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
JULY 6, 1960

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, July 6, 1960. Councilmen Brown, Katzakian, Mitchell, Ullmann and Culbertson (Mayor) present; none absent.

City Manager Graves, Administrative Assistant Carlton, City Attorney Mullen and Planning Director Rodgers also present. Beatrice Garibaldi, City Clerk absent.

MINUTES           The minutes of the adjourned meeting of June 22, 1960 were approved as written and mailed on the motion of Councilman Katzakian, Brown second.

PUBLIC HEARINGS

HARRISON ANNEX   Notice thereof having been published in accordance with law, Mayor Culbertson called for the public hearing on the proposal to annex the Harrison Addition with the request for C-1 zoning on the property. City Manager Graves read the conclusions from the Planning Commission public hearing on the question at its June 27, 1960 meeting. The Commission recommended against the annexation of this property with C-1 zoning by a 6 - 1 vote with two Commissioners abstaining because of personal interest.

A written protest was introduced by the Deputy City Clerk as having been received prior to the public hearing. This protest was signed by all of the property owners in the Harrison Addition and objected to annexation except with C-1 zoning. Lindsay Marshall, Attorney, representing Mr. & Mrs. Paul Harrison, traced the history of the proposed annexation and C-1 zoning of this property. He read section 4-2 of the City of Lodi Zoning Ordinance (Ord. #469) defining the City Council's authority to act in these matters. Mr. Marshall then displayed and described an architects sketch of the proposed commercial development of the property. He questioned where else a neighborhood shopping center could be located in this fast developing residential area. He went on to cite other reasons in favor of the development and in answer to the Planning Commission's objections. The following persons appeared to state their views in favor of commercial zoning for this property: Mr. & Mrs. Paul Harrison, 1301 West Lodi Avenue; Mr. Irving Baker, 344 LaVida Drive; Mr. Ed Ehrhardt, 211 S. Ham Lane; Mrs. Alfred Perry, 215 S. Ham Lane; Mr. Emil Klapstein, 106 S. Fairmont Ave.; Mrs. Phoebe Schwemmer, 1214 W. Lodi Avenue; Mr. Irvin Bender, 1707 W. Locust Street. The below named people appeared to oppose the requested commercial zoning of this property: Mr. Clarence Swanson, 216 S. Ham Lane; Mr. Howard Blewett, 1344 W. Lodi Avenue; Mr. Oliver Lee, 220 S. Ham Lane.

Minutes of July 6, 1960 continued

City Attorney Mullen advised the Council to consider the zoning first and separately from the annexation question. In the light of a recent Stockton court case decision it was discussed whether we would be in danger of facing an injunction from the disgruntled property owners in the area if it is zoned C-1. He pointed out that under the State Planning Act, Council doesn't have the power to legislate for an area outside the City. He recommended annexation first in order to conform with due process and then let the matter of zoning be raised. Planning Director Rodgers cited the Planning Commission's policy on Neighborhood Shopping Centers that was adopted shortly after the Master Plan went into effect and was used in rejecting this request. The present proposal conforms to most of the conditions. The Commission did find that it did conflict with similar facilities within approximately 1/2 mile, namely the Sunset Market and the Avenue Drugs. It also is debatable whether the proposed use would be objectionable to adjacent property owners. Councilman Katzakian expressed his concern regarding the similarity of this request to the one overturned in the recent Stockton case decision. The reasons Judge Dunne used as the basis for rejecting the rezoning of a residential corner for a commercial use included the fact that it did not conform to the master plan for that area; it constituted strip and spot zoning; and it was passed after the City Planning Commission and County Planning Commission had recommended against it. Councilman Katzakian felt it would be asking for trouble to duplicate each of these arguments in Lodi. City Manager Graves expressed his fear of basing a vote on an architects pretty sketch since past experience has shown they are not dependable. In this case it would be very risky since the developer or lessors might back down if an injunction landed the case in court to be decided on legal questions. He discussed the Planning Commission efforts to stop strip zoning on West Lodi Avenue. He discussed the effects of strip zoning. He urged that Council make its policy clear on West Lodi Avenue zoning and either zone it all commercial or keep the rest residential. This would make administrators statements less contestable and save a lot of time and money as the various property owners feel the pull of commercial zoning and make their separate requests. Councilman Katzakian stated that he was against strip zoning on major streets. He also could not see fit to give commercial zoning to one corner of an intersection and not the others. He noted that if the Council rejected commercial zoning the property owners petition would result in the cancellation of the annexation by protest and annexation could not be reconsidered for one year. City Attorney Mullen suggested that the one year delay might be avoided by continuing the annexation hearing to the next meeting, thereby giving the owners time to reconsider their request. He informed the owners of the difficulties they might face in case an injunction were filed.

Councilman Mitchell moved that the property be annexed with C-1 zoning. The motion failed for the lack of a second. Councilman Katzakian moved that if the property be annexed it shall not be zoned C-1. Councilman Brown second. Several Councilmen spoke on the question. The motion carried 4 - 1. Councilman Mitchell opposing. Councilman Katzakian moved, Mitchell second, that the public hearing on the annexation of the Harrison Addition be continued to the next meeting, July 20, 1960. Motion carried unanimously.

REZONE WEST SIDE N. CHURCH BETW. LOUIE & TURNER RD. Notice of hearing having been published in accordance with law, Mayor Culbertson called for the public hearing on the proposal to rezone property on the west side of North Church Street between Louie Avenue and Turner Road from R-2 single family residential. A written protest to the proposed rezoning was received from Mr. and Mrs. Dean Buttell, 227 Louie Avenue, Lodi. There were no oral protests to the rezoning proposal nor were there any proponents at the public hearing. Planning Director Rodgers reviewed the City Planning Commission action in recommending the approval of this rezoning. Councilman Katzakian expressed himself in favor of the proposal as compatible with the residential uses in the area. Councilman Brown introduced Ordinance No. 679, Katzakian second, rezoning the area from the R-2 one family residential zone to the R-3 limited multiple family residential zone. The action passed unanimously.

#### PLANNING COMMISSION REPORTS

DONNER DRIVE APPROVED Planning Director Rodgers reported that at its meeting on June 27, 1960 the Planning Commission recommended the street which lies to the north of the new Lawrence Ranch School be named Donner Drive. This name has the approval of the School Board and conforms with the general street name pattern in the Lawrence Ranch Subdivision. Councilman Katzakian moved, Brown second, to name said street Donner Drive. The motion passed unanimously.

Planning Director Rodgers also reported other actions taken by the Planning Commission at its June 13th and June 27th meetings.

#### COMMUNICATIONS

APPEAL - P.C. ACTION F. SCHUELER USE PERMIT A written protest and appeal was received to the Planning Commission's action at its June 27, 1960 meeting where it approved unanimously a use permit for Mrs. Frieda Schueler to operate a rest home at 729 North Pleasant Avenue. The appeal was signed by Ray A. Leach of 720 North Pleasant Avenue. Attached to the appeal was a petition bearing signatures of 54 Lodi citizens protesting the action of the Planning Commission in granting this use permit. Councilman Katzakian moved, Brown second, to set a public hearing on the question for 8:00 p.m., July 20, 1960. The motion passed unanimously.

## Minutes of July 6, 1960 continued

CLAIM FOR  
DAMAGES

A claim for \$15,000 damages was received from Daniell Lester Heller of 522 South Church Street, Lodi. The claimant, a minor, fell from his bicycle and suffered various injuries while riding on Lockeford Street close to its intersection with Cross Street. Councilman Brown moved, Katzakian second, to reject the claim and refer the matter to the City's insurance carrier. The motion passed unanimously.

## CITY MANAGERS REPORTS

## CLAIMS

Claims in the amount of \$341,885.75 were approved on the motion of Councilman Brown, Ullmann second.

CARDINAL-  
RIBIER  
LIGHTING DIST.

City Manager presented the following tabulation of bids received for furnishing and installation of street lights in the Cardinal-Ribier Lighting District:

RES. NO. 2340  
ADOPTED

Collins Electric Company	\$ 5,949.00
Ets-Hokin & Galvan	6,666.00
Electrical Equipment Company	6,972.00
Abbett Electric Corporation	13,355.00

On motion of Councilman Mitchell, Katzakian second, the Council adopted Resolution No. 2340 awarding the contract to the low bidder, Collins Electric Company of Stockton.

24" CONCRETE  
PIPE BIDDING  
RESULTS

City Manager Graves reported the following tabulation of bids received for 915 feet of 24-inch concrete pipe for the storm drainage system east of the Freeway By-pass:

RES. NO. 2341  
ADOPTED

Mumbert Concrete Pipe Company	\$ 2,580.30
Spiekerman Concrete Pipe Company	2,598.60

On motion of Councilman Mitchell, Ullmann second, the Council adopted Resolution No. 2341 awarding the contract to the low bidder, Mumbert Concrete Pipe Company of Lodi.

AUTHORIZE  
COUNTY TO  
COLLECT DE-  
LINQUENT ST.  
LIGHT ASSESS-  
MENTS

City Manager Graves presented a resolution providing for the collection of special assessments for street light construction on the Tokay Street and Vine-Windsor Street Lighting Districts by the County Tax Collector. Councilman Brown moved, Katzakian second, to adopt Resolution No. 2342 putting these delinquent street light assessments on the 1960-61 property tax rolls. The resolution passed unanimously.

RES. NO. 2342  
ADOPTEDOIL AND GREASE  
SPECS ADOPTED

Specifications were presented for the periodic purchase of oils and greases for the period from August 1, 1960 to March 1, 1961. This was done after considerable investigation by Finance Director Fred Wilson revealed that March is the best time to call for bids on these products. On motion of Councilman Katzakian, Mitchell second, the Council adopted the specifications for oils and greases and called for bids.

BLAIR BROS. A memorandum from the Public Works Department  
 DRIVEWAY reported favorably on the Blair Brothers  
 REQUEST SCHOOL Service Station at the corner of School and  
 AND ELM STS. Elm Streets to adjust its driveway arrangement  
 to better conform to the remodeling of their  
 station. The City will lose one substandard  
 parking space in the process. On motion of  
 Councilman Katzakian, Brown second, the Coun-  
 cil approved the Blair Brothers driveway re-  
 quest.

KILLELEA AND City Manager Graves reported that on June 29,  
 COON RE-ELECTED 1960 a majority of the City employees voted to  
 TO PENSION BD. re-elect Tom Killelea and Pat Coon to the  
 Pension Board, each for a two year term.

KIRBY ANDERSON Councilman Brown reported that the Pension  
 REAPPOINTED TO Board met and requested that the City Council  
 PENSION BD. reappoint Kirby Anderson as the fifth member  
 of the Pension Board. On motion of Council-  
 man Katzakian, Mitchell second, the Council  
 reappointed Kirby Anderson to the Pension  
 Board for a two year term.

PERSONNEL City Manager Graves reported that Robert  
 CHANGES AT Mendez has been promoted to fill the Park  
 LODI LAKE Foreman vacancy left by Clarence Elder's  
 EXPLAINED retirement. He noted that Mendez will not be  
 replaced since Mr. Elder's former caretaker  
 duties at the lake are being absorbed by two  
 temporary auxiliary policemen and a night  
 watchman. Since these part-time patrolmen  
 will only be used during the Lake season, it  
 is expected that their cost will not exceed  
 that of replacing Mendez. It is felt this  
 will aid the enforcement of the new Park  
 Ordinance.

#### ORDINANCES

MARCHESE ORDINANCE NO. 676, entitled "AN ORDINANCE  
 ANNEXATION APPROVING THE ANNEXATION OF CERTAIN UNINHABITED  
 TERRITORY, DESIGNATED 'MARCHESE ADDITION' TO  
 ORD. NO. 676 THE CITY OF LODI", having been introduced at  
 ADOPTED the regular meeting of June 15, was brought  
 up for passage on motion of Councilman Brown,  
 Katzakian second. Second reading was omitted  
 after reading by title, and was then passed,  
 adopted and ordered to print by the following  
 vote:

AYES: Councilmen - Brown, Katzakian, Mit-  
 chell, Ullmann and  
 Culbertson

NOES: Councilmen - None

ABSENT: Councilmen - None

PARK REGULA- ORDINANCE NO. 677, entitled "REGULATING CONDUCT  
 TIONS IN PUBLIC PARKS; PROVIDING FOR ENFORCEMENTS;  
 AND PRESCRIBING PENALTIES FOR THE VIOLATION  
 OF ITS PROVISIONS", having been introduced at  
 the regularly adjourned meeting of June 22,  
 was brought up for passage on motion of Coun-  
 cilman Katzakian, Brown second. Second read-  
 ing was omitted after reading by title, and  
 was then passed, adopted and ordered to print  
 by the following vote:

## Minutes of July 6, 1960 continued

ORD. NO. 677 AYES: Councilmen - Brown, Katzakian, Mit-  
ADOPTED chell, Ullmann and Cul-  
bertson  
NOES: Councilmen - None  
ABSENT: Councilmen - None


1960-61 BUDGET ORDINANCE NO. 678, entitled "ADOPTING A BUDGET  
FOR THE SUPPORT OF THE VARIOUS DEPARTMENTS OF  
ORD. NO. 678 THE CITY OF LODI FOR THE FISCAL YEAR BEGINNING  
ADOPTED JULY 1, 1960 AND ENDING JUNE 30, 1961", having  
been introduced at the regularly adjourned  
meeting of June 22, was brought up for passage  
on motion of Councilman Katzakian, Brown second.  
Second reading was omitted after reading by  
title, and was then passed, adopted and ordered  
to print by the following vote:

AYES: Councilmen - Brown, Katzakian, Mit-  
chell, Ullmann and Cul-  
bertson  
NOES: Councilmen - None  
ABSENT: Councilmen - None

LOCKEFORD ST. City Manager Graves presented the preliminary  
WIDENING PLANS plans for the widening of West Lockeford Street  
PRESENTED between Pleasant Avenue and California Street  
for Council approval. This approval is needed  
in order to go ahead with final design and  
engineering studies as well as the acquisition  
of right-of-way. The work is planned for the  
spring of 1961. Councilman Katzakian moved,  
Brown second, to approve the plans as presented.  
The motion passed unanimously.

CONGRATULATIONS Councilman Brown announced that he had received  
RECEIVED a telegram from the Mayor of Kofu, Japan, con-  
JULY 4 FROM gratulating Lodi and the United States on the  
MAYOR OF KOFU, occasion of its independence day celebration.  
JAPAN The telegram was received and filed.

On motion of Councilman Katzakian, Mitchell  
second, the Council adjourned at 10:07 p.m.

  
ATTEST: FRANK C. CARLTON  
Deputy City Clerk